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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,518

12/12/2003

Frederic Meylan

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07/17/2006

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EXAMINER

GOODWIN, JEANNE M

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/733,518	MEYLAN, FREDERIC	
	Examiner	Art Unit	
	Jeanne-Marguerite Goodwin	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings were received on April 21, 2006. These drawings are accepted.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 7, 8 and 10 finally rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,418,086 to Terasawa [hereinafter Terasawa].

Regarding claim 1: Terasawa teaches a case (fig. 1 #2, #3) which contains an electronic watch movement and an electric battery assembly including at least one battery (fig.1#7) or at least one accumulator, the case having a circular bottom opening which allows the battery assembly to be inserted and removed and which is closed in a water-resistant manner (column 5 line 44-49) by a removable cover (fig.3a#12) provided with bayonet fitting means (fig.3a#13), said cover including a plate (fig.4c#16), which covers one or more housings for the battery

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assembly and forms at least a part of a back cover of the case, add a substantially cylindrical annular portion (fig.4c #13,13w) which extends perpendicularly to said plate and fits into said opening, said annular portion carrying at least two locking members (fig.4c #19) forming part of the bayonet fitting means, wherein a support (fig.3a#11s) fixedly mounted in the case extends at least partially facing said opening. And wherein said locking members of the cover (fig.3a#19) extends towards a symmetry axis of said annular portion, substantially parallel to said plate of the cover and catch on shoulders of said support.

Regarding claim 2: Terasawa teaches an annular sealing gasket (fig.1#18) is arranged around said annular portion of the cover (fig.3b#12) and, when the cover is secured to the case (fig.1#2), is applied radially against a circular surface (fig.3a#16) forming the periphery of said opening.

Regarding claim 3: Terasawa teaches a circular surface (fig.3a#16) is substantially cylindrical and said opening includes a flared entry to ensure radial compression of the sealing gasket (fig.5#18) when the cover is being set in place.

Regarding Claim 4 and 8: Terasawa discusses in fig.3b #13 a washer arranged and secured to the top of said annular portion of the cover (column 5 line 58-65).

Regarding Claim 7: Terasawa teaches a fixed support is provided with one or more housings for the electric battery assembly (fig.1#7h).

Regarding Claim 10: Terasawa teaches wherein the cover forms the entire back cover of the case (fig.1#2,3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 11 finally rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa.

Regarding claim 5: Terasawa does not teach the electric battery assembly has a non-circular shape in plane and said shoulders are located between the battery assembly and a circle circumscribed around said non-circular shape. However it is well know in the art that non-circular shape watch cases, such as rectangular, have been used extensively. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use a non-circular shaped watch case in Terasawa as alternative to the circular type to provide a different aesthetic effect.

Regarding claim 11: Terasawa teaches all of the claimed invention as explained above, with respect to claim 1, except a gripping means is arranged on a peripheral portion of the cover so as to allow a user to maneuver the cover manually without any specific tools. Gripping means are well known in devices which are manually actuated, for example knobs. At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide a gripping means for the watch of Terasawa in order for you to be able to turn it manually.

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7. Claim 6 finally rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa as applied to claims 1 and 5 above, and further in view of US Patent 4,796,240 to Stevens [hereinafter Stevens].

Regarding claim 6: Terasawa teaches all of the claimed invention as explained above, with respect to claim 5 except an electric battery assembly includes at least two batteries or accumulators. Stevens discloses the electric battery assembly includes at least two batteries or accumulators (fig.3 #23). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use two batteries in order to increase the running time of a watch.

8. Claim 9 finally rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa as applied to claims 1, 7 and 8 above, and further in view of US Patent 6,219,304 to Mignot et al. [hereinafter Mignot].

Regarding claim 9: Terasawa teaches all of the claimed invention as explained above, with respect to claims 8, except an electro-acoustic transducer is arranged on an inner face of the cover and powered via at least one conductor arranged in said support. Mignot discloses an electro-acoustic transducer is arranged on an inner face of the cover of a time piece and powered via at least one conductor arranged in said support (column 1 lines 51-54). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the electro-acoustic transducer of Mignot in the timepiece provide an alarm for a watch.

Response to Arguments

9. Applicant's arguments filed April 21, 2006 have been fully considered but they are not

persuasive.

Regarding arguments on page 7, lines 13-16 and page 8, lines 1-5: Contrary to Applicant's belief, Terasawa locking members extends towards a symmetry axis...of the cover, *substantially* parallel to the plate (see Figs. 8B and 8C). Furthermore, in response to Applicant's argument that Terasawa does not include certain features of Applicant's invention, the limitation on which Applicant relies (i.e., *the shoulders* being part of "a support [which is] fixedly mounted in the case [and which] houses said battery assembly") is not stated in the claims. It is the claims that define the claimed invention, and it is the claims, not specification that are anticipated or unpatentable. See *Constant v. Advanced Micro-Devices, Inc.*, 7 USPQ2d 1064.

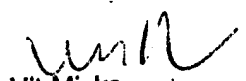

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.


Vit Miska
Primary Examiner 

JMG
July 10, 2006

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